

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

This Chapter 424, consisting of Secs. 424.001 to 424.105, was added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2.

See also another Chapter 424, consisting of Secs. 424.001 to 424.008, as added by Acts 2019, 86th Leg., R.S., Ch. 863 (H.B. [2945](#)), Sec. 2.

CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [2106](#) and H.B. [3607](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 424.001. DEFINITION. In this chapter, "critical infrastructure facility" has the meaning assigned by Section [423.0045](#)(a)(1-a) and also includes:

(1) any pipeline transporting oil or gas or the products or constituents of oil or gas; and

(2) a facility or pipeline described by this section that is under construction and all equipment and appurtenances used during that construction.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

SUBCHAPTER B. CRIMINAL LIABILITY

Sec. 424.051. OFFENSE: DAMAGING OR DESTROYING CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility.

(b) An offense under this section is a felony of the third degree.

(c) If conduct constituting an offense under this section

also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) It is a defense to prosecution under this section that the damage caused to the critical infrastructure facility was only superficial.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.052. OFFENSE: IMPAIRING OR INTERRUPTING OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility and intentionally or knowingly impairs or interrupts the operation of the facility.

(b) An offense under this section is a state jail felony.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.053. OFFENSE: INTENT TO DAMAGE OR DESTROY CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility with the intent to damage or destroy the facility.

(b) An offense under this section is a state jail felony.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(d) It is a defense to prosecution under this section that the actor intended to cause only superficial damage to the critical infrastructure facility.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.054. OFFENSE: INTENT TO IMPAIR OR INTERRUPT

OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility with the intent to impair or interrupt the operation of the facility.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. 3557), Sec. 2, eff. September 1, 2019.

Sec. 424.055. PUNISHMENT FOR CORPORATIONS AND ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court shall sentence a corporation or association adjudged guilty of an offense under this subchapter to pay a fine not to exceed \$500,000. Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. 3557), Sec. 2, eff. September 1, 2019.

Sec. 424.056. RESTITUTION. If a defendant is convicted of an offense under this subchapter and the offense results in damage to or destruction of property, a court may, in accordance with Article 42.037, Code of Criminal Procedure, order the defendant to make restitution to the owner of the damaged or destroyed property, or the owner's designee, in an amount equal to the value of the property on the date of the damage or destruction.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. 3557), Sec. 2, eff. September 1, 2019.

SUBCHAPTER C. CIVIL LIABILITY

Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct constituting an offense under Section 424.051, 424.052, 424.053, or 424.054 is liable to the property owner, as provided by this subchapter, for damages arising from that conduct.

(b) It is not a defense to liability under this section that

a defendant has been acquitted or has not been prosecuted or convicted under Section [424.051](#), [424.052](#), [424.053](#), or [424.054](#), or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to any liability under Section [424.101](#), an organization that, acting through an officer, director, or other person serving in a managerial capacity, knowingly compensates a person for engaging in conduct occurring on the premises of a critical infrastructure facility is liable to the property owner, as provided by this subchapter, for damages arising from the conduct if the conduct constituted an offense under Section [424.051](#), [424.052](#), [424.053](#), or [424.054](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.103. DAMAGES. (a) A claimant who prevails in a suit under this subchapter shall be awarded:

- (1) actual damages; and
- (2) court costs.

(b) In addition to an award under Subsection (a), a claimant who prevails in a suit under this subchapter may recover exemplary damages.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of action created by this subchapter is cumulative of any other remedy provided by common law or statute.

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.

Sec. 424.105. NONAPPLICABILITY. The following provisions

of the Civil Practice and Remedies Code do not apply to a cause of action arising under this subchapter:

- (1) Chapter [27](#); and
- (2) Section [41.008](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 1297 (H.B. [3557](#)), Sec. 2, eff. September 1, 2019.